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OFFICE OF PETITIONS

In re Application of
Hans-Joerg Voegel
Application No. 10/801,926
Filed: March 15, 2004
Attorney Docket No. 03282/100L581-
US2

DECISION ON PETITION

This is a decision on the "PETITION FOR THE GRANTING OF A FILING DATE FOR A NON-PROVISIONAL APPLICATION UNDER 37 C.F.R. § 1.182", filed August 3, 2004, which is being treated as a petition under 37 C.F.R. § 1.53 to accord the above-identified application a filing date of March 15, 2004, with pages 4 and 18-21 of the specification as part of the original disclosure.

The petition is **GRANTED**.

Application papers in the above-identified application were filed on March 15, 2004. However, on June 3, 2004, the Initial Patent Examination Division mailed applicants a "Notice to File Missing Parts of NonProvisional Application." Applicant was notified that the application papers had been accorded a filing date of March 15, 2004; however, the statutory basic filing fee and the oath or declaration were missing. In addition, applicant was notified that pages 4 and 18-21 of the specification appeared to have been omitted.

In response, applicant filed the instant petition. Accompanying the petition was a copy of the specification and drawings as originally filed, including pages 4 and 18-21 of the

specification. Applicant maintains that the application as originally filed included pages 4 and 18-21. In support thereof, applicant submitted a postcard receipt identifying this application, itemizing "Specification (24 pages)" as enclosed, bearing a United States Patent and Trademark Office date-stamp of March 15, 2004, and lacking any notation of non-receipt of any item listed.

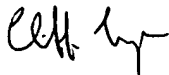
A receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office. See MPEP 503.

Given the basis for granting the petition, the \$130 petition fee has been refunded to Deposit Account No. 04-0100.

Receipt of the five month extension of time fee and the processing and retention fee, filed on January 3, 2005, is acknowledged.

The application is being forwarded to the Office of Initial Patent Examination (OIPE) for further processing as an abandoned application with a filing date of March 15, 2004, using the application papers received in the Office on that date and pages 4 and 18-21 of the specification as resupplied on petition filed August 3, 2004.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3207.



Cliff Congo
Petitions Attorney
Office of Petitions